

**MINUTES
TRAVERSE CITY BOARD OF ZONING APPEALS
REGULAR MEETING
TUESDAY, DECEMBER 9, 2014
7:00 P.M.**

**Committee Room, Governmental Center, 2nd Floor
400 Boardman Avenue
Traverse City, Michigan 49684
231-922-4464**

PRESENT: Members Bergman, Szajner, Jones, Lomasney, Donaldson, Hanley and Vice-Chairperson Callison and Chairperson Cockfield.

ABSENT: Raferty.

1. CALL MEETING TO ORDER

The meeting was called to order at 7:00 p.m.

2. APPROVAL OF MINUTES- Approval of the July 8, 2014 regular meeting minutes.

Motion by member Callison, seconded by member Donaldson to approve the July 8, 2014 regular meeting minutes as presented. Upon vote the motion carried 8-0.

3. REQUEST 14-BZA-10 – A REQUEST FROM PAUL SCHMUCKAL, SCHMUCKAL OIL COMPANY, 1516 BARLOW STREET, TRAVERSE CITY, MICHIGAN for:

A dimensional variance to allow for the cooler addition (12' x 32'-8") to be located on the rear (north) property line, have an impervious ratio (lot coverage) of 99 percent and not bring the parking lot into compliance with Chapter 1374, *Circulation and Parking*, of the City of Traverse City Zoning Code located at the property commonly known as **501 East Eighth Street**, Traverse City, Michigan (Marathon Gas Station).

Paul Schmuckal presented drawings and answered questions from the Board

There was no public comment.

*Motion by member Donaldson, seconded by member Callison to grant a dimensional variance to allow for the cooler addition (12' x 32'-8") to be located on the rear (north) property line, have an impervious ratio (lot coverage) of 99 percent and not bring the parking lot into compliance with Chapter 1374, *Circulation and Parking*, of the City of Traverse City Zoning Code located at the property commonly known as 501 East Eighth Street, Traverse City, Michigan based on the Statement of Conclusions and Finding of Fact contained in the Order Granting for Variance No. 14-BZA-10. Upon vote the motion carried 8-0.*

4. **REQUEST 14-BZA -11- A REQUEST FROM ANDREW KOHLMAN, OWNER OF IMAGE 360, 1702 BARLOW STREET, TRAVERSE CITY, MICHIGAN for:**

An exception from the Sign Ordinance to allow for the installation of a freestanding sign with an area of 120 square feet and a height of 8 feet located at the property commonly known as **722 Munson Avenue**, Traverse City Michigan (East Bay Plaza).

Andrew Kohlman presented drawings and answered questions from the Board.

There was no public comment.

Motion by member Lomasney, seconded by member Donaldson to grant an exception from the Sign Ordinance to allow for the installation of a freestanding sign with an area of 120 square feet and a height of 8 feet located at the property commonly known as 722 Munson Avenue, Traverse City Michigan (East Bay Plaza) provided no additional freestanding signs are permitted on 722 and 748 Munson Avenue based on the Statement of Conclusions and Finding of Fact contained in the Order Granting for Exception No. 14-BZA-11. Upon vote the motion carried 8-0.

5. **PUBLIC COMMENT**

There was no public comment.

6. **ADJOURNMENT**

The meeting was adjourned at 7:40 p.m.

Respectfully submitted,

David Weston, Planning and Zoning Administrator

Date: _____

**CITY OF TRAVERSE CITY
ORDER AUTHORIZING
VARIANCE NO. 14-BZA-10**

Pursuant to the City of Traverse City Code of Ordinances § 1324.05(d), Variances, the Board of Zoning Appeals hereby authorizes a dimensional variance for the following:

Street Address: 501 East Eighth Street, Traverse City, Michigan
Property Description: S 75 FT OF LOT 16 & PART OF LOT 15 COM AT SW COR TH N 75 FT TH E 9.61 FT TH S 14.62 FT TH S 32 DEG 14' E 14.68 FT TH S 52 DEG 55' E 6.78 FT TH S TO 8TH ST TH W TO POB BLK 16 ORIGINAL PLAT
Variance Granted: A dimensional variance to allow for a cooler addition (12' x 32'-8") to be located on the rear (north) property line, have an impervious ratio (lot coverage) of 99 percent and not bring the parking lot into compliance with Chapter 1374, Circulation and Parking, of the City of Traverse City Zoning Code.
Applicant/Owner: Paul Schmuckal.

It is determined that the Applicant has demonstrated a hardship as well as showing of good and sufficient cause authorizing a variance by the City of Traverse City Code of Ordinances. The findings of fact and reasons upon which this determination is based are as follows:

1. The attached Statement of Conclusions and Finding of Fact are incorporated herein by reference.
2. The procedures and requirements for variance decisions by law and ordinance have been followed.

This Order shall not be deemed to be City approval for anything other than the variance authorized by this order and shall not relieve the owner or occupier of the land from obtaining any other license, permit or approval required by law or ordinance.

I hereby certify that the above Order was adopted on _____, _____, at a regular meeting of the Board of Zoning Appeals for the City of Traverse City at the County Committee Room, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Date: _____

David Weston, Planning and Zoning
Administrator

Note: A decision of the Board of Zoning Appeals shall be final. However, any party having a substantial interest affected by an order, determination or decision by the Board of Zoning Appeals may appeal to the Circuit Court, if made to the Court within twenty-eight (28) days after rendering the final decision or upon grant by the Court of leave to appeal. Codified Ordinances of Traverse City Michigan §1324.07(a).

STATEMENT OF CONCLUSION AND FINDINGS OF FACTS 14-10

The following are the Statements of Conclusions supported by evidence submitted to the Board of Zoning Appeals in connection with a request for a dimensional variance, Request No. 14-BZA-10, for the property commonly known as **501 East Eighth Street**, Traverse City, Michigan, from Paul Schmuckal.

1. Practical Difficulty. There are exceptional or extraordinary circumstances or physical conditions that do not generally apply to other properties or used in the same district.
2. In granting the variance, the spirit of the Zoning Code is observed, public safety is secured and substantial justice is done.
3. No substantial adverse effect on property values in the immediate vicinity or in the district where the property is located will occur as a result of granting this variance.
4. The difficulty presented by the applicant in support of the request for a variance is not so general or recurrent in nature that a formulation of a general regulation for such condition is preferable.
5. The practical difficulty is unique to the property and not to the general neighborhood and shall apply only to property under control of the applicant.
6. Granting the variance is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
7. The difficulty is not solely economic and is based on the reasonable use of a particular parcel of land.
8. The difficulty was not the result of an act of the applicant or a person in privity or concert with the applicant.

The foregoing Statement of Conclusions is supported by the following Findings of Fact No 14-10:

1. There is an existing shed where that addition is proposed.
2. There are many nonconformities associated with the site.
3. Trying to reach any sort of compliance with the site would create a practical difficulty for the property.
4. The site is contaminated and is required to be sealed.
5. The neighbor to the east offered the applicant a drainage easement.

**CITY OF TRAVERSE CITY
ORDER AUTHORIZING
EXCEPTION NO. 14-BZA-11**

Pursuant to the City of Traverse City Code of Ordinances § 1476.15(b)(3), Exceptions, the Board of Zoning Appeals hereby grants an exception for the following:

Street Address: 722 Munson Avenue, Traverse City, Michigan
Property Description: THT PRT OF THE SW 1/4 OF NW 1/4 SEC 7 T27N R10W DES AS COM AT NW COR TH S 574.18 FT TO IND TR BLVD TH SE'LY ALONG BLV 521.46 FT TO AVE B TH NE'LY ALONG AVE 739.84 FT TO MUNSON AVE TH NW'LY 420.28 FT M/L TO N LINE OF SW 1/4 OF NW 1/4 TH W'LY ALG LINE 483.29 FT M/L TO POB EXC THEREFROM SW'LY 130 FT AS DESC IN L:292 P:516
Exception Authorized: An exception from the Sign Ordinance to allow for the installation of a freestanding sign with an area of 120 square feet and a height of 8 feet provided no additional freestanding signs are permitted on 722 and 748 Munson.
Applicant: Credit Union One, 1407 S. Division Street, Traverse City, Michigan.

It is determined that the Applicant has demonstrated a unique circumstance when the evidence in the official record of the exception supports all of the affirmative findings as required in §1467.15(b)(3). The findings of fact and reasons upon which this determination is based are as follows:

1. The attached Statement of Conclusions and Finding of Fact are incorporated herein by reference.
2. The procedures and requirements for exception decisions by law and ordinance have been followed.

This Order shall not be deemed to City approval for anything other than the exception authorized by this order, and shall not relieve the owner or occupier of the land from obtaining any other license, permit or approval required by law or ordinance.

I hereby certify that the above Order was adopted on _____, _____, at a regular meeting of the Board of Zoning Appeals for the City of Traverse City at the Commission Chamber, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Date: _____

David Weston, Planning and Zoning
Administrator

Note: A decision of the Board of Zoning Appeals shall be final. However, any party having a substantial interest affected by an order, determination or decision by the Board of Zoning Appeals may appeal to the Circuit Court, if made to the Court within twenty-eight (28) days after rendering the final decision or upon grant by the Court of leave to appeal. Codified Ordinances of Traverse City Michigan §1324.07(a).

STATEMENT OF CONCLUSION AND FINDINGS OF FACTS 14-BZA-11

The following are the Statements of Conclusions supported by evidence submitted to the Board of Zoning Appeals in connection with a request for an exception, Request 14-BZA-11, for the property commonly known as **722 Munson Avenue**, Traverse City, Michigan.

- a) The circumstances were exceptional and peculiar to the property, and result from conditions which do not exist generally throughout the City.
- b) The alleged consequences resulting from a failure to grant the exception include substantially more than mere inconvenience, or mere inability to attain a higher financial return.
- c) Allowing the exception will result in substantial justice being done, considering the public benefits intended to be secured and will be contrary to the public purpose and general intent and purpose of Chapter 1476, Signs of the City of Traverse City Code of Ordinances.

The foregoing Statement of Conclusions are supported by the following Findings of Fact No 14-BZA-11:

- 1. The property is allowed to have three freestanding signs with an area of 40 square feet each and a height of 8 feet.
- 2. There are no separation requirements in the Sign Ordinance for permanent freestanding signs.
- 3. The property owner could place three freestanding signs, 40 square feet, 8 feet tall, not connected in a row by right at the proposed location.
- 4. The posted speed limit on this part of Division Street is 45 m.p.h.
- 5. The applicant agreed to not place any additional freestanding signs on 722 and 748 Munson Avenue.



Communication to the Board of Zoning Appeals

FOR THE MEETING OF: MARCH 10, 2015

FROM: DAVID WESTON, ZONING ADMINISTRATOR *DMW*

SUBJECT: REQUEST 15-BZA-01

DATE: MARCH 6, 2015

A request from David Gleason, 1435 Barlow Street, Traverse City, Michigan for relief from the zoning regulations (1346.04(a)) to allow for 3 ½ story rear addition to be in the front yard setback along Cass Street located at the property commonly known as **201 East Front Street**, Traverse City Michigan (northeast corner of Front and Cass Streets).

The property mentioned is zone C-4b (Regional District) and buildings are required to have a front yard setback of 2.5 feet. The proposed addition will have a 0 foot front yard setback along Cass Street. The applicant will be requesting a dimensional variance of 2.5 feet to allow for the building addition to be located on the property line along Cass Street.

A similar variance was granted to the property located at 156 East Front Street (The Franklin) on July 9, 2013. I have attached those minutes for you review.

Motion by Member Wegener, seconded by Member Donaldson to grant a dimensional variance of 4.80 feet to allow for a 6,560 square foot building addition and parking area expansion to be constructed in the front yard setback along North Aero Park Court, located at the property commonly know as 2749 Aero Park Drive, Traverse City, Michigan based on the Statement of Conclusions and Finding of Fact contained in the Order Granting for Variance No. 13-BZA-10. Upon vote the motion carried 7-1, with Chairperson Cockfield voting in opposition.

4. REQUEST 13-BZA-11 – A REQUEST FROM WILLIAM CLOUS, 213 SOUTH AIRPORT ROAD. W., TRAVERSE CITY, MICHIGAN, for:

An exception to allow for the installation of a freestanding sign (84 s.f. and 18' in height) to exceed the height and area requirements of the City of Traverse City Sign Ordinance for the property commonly known as **461 Munson Avenue**, Traverse City, Michigan.

The applicant was not at the meeting. No action was taken.

5. REQUEST 13-BZA-12 – A REQUEST FROM JOHN DANCER WITH CORNERSTONE ARCHITECTS, 122 SOUTH UNION STREET, SUITE 200, TRAVERSE CITY, MICHIGAN, for:

A dimensional variance of 2.5 feet to allow for the construction of a 2-story, 6,400 square foot building to be constructed on the property line along Cass Street for the property commonly known as **156 East Front Street**, Traverse City, Michigan.

John Dancer presented drawings and answered question from the Board.

Motion by Member Chalker-Soltysiak, seconded by Member Halbert to grant a dimensional variance of 2.5 feet to allow for the construction of a 2-story, 6,400 square foot building to be constructed on the property line along Cass Street for the property commonly known as 156 East Front Street, Traverse City, Michigan based on the based on the Statement of Conclusions and Finding of Fact contained in the Order Granting for Variance No. 13-BZA-12. Upon vote the motion carried 8-0.

STATEMENT OF CONCLUSION AND FINDINGS OF FACTS 13-BZA-12

The following are the Statements of Conclusions supported by evidence submitted to the Board of Zoning Appeals in connection with a request for a dimensional variance, Request No. 13-BZA-12, for the property commonly known as **156 East Front Street**, Traverse City, Michigan, from John Dancer.

1. Practical Difficulty. There are exceptional or extraordinary circumstances or physical conditions that do not generally apply to other properties or used in the same district.
2. In granting the variance, the spirit of the Zoning Code is observed, public safety is secured and substantial justice is done.
3. No substantial adverse effect on property values in the immediate vicinity or in the district where the property is located will occur as a result of granting this variance.
4. The difficulty presented by the applicant in support of the request for a variance is not so general or recurrent in nature that a formulation of a general regulation for such condition is preferable.
5. The practical difficulty is unique to the property and not to the general neighborhood and shall apply only to property under control of the applicant.
6. Granting the variance is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
7. The difficulty is not solely economic and is based on the reasonable use of a particular parcel of land.
8. The difficulty was not the result of an act of the applicant or a person in privity or concert with the applicant.

The foregoing Statement of Conclusions are supported by the following Findings of Fact No 13-BZA-12:

1. The parcel is a long narrow corner lot.
2. The existing building at 116 Cass Street (Passageway Travel) will be preserved.
3. The Passageway Travel building is built to the property line along Cass Street.
4. There are provisions in the Zoning Code that allow for the extension of an existing sidewall that encroaches in a side yard setback but not a front yard setback on a corner lot.
5. There will be no foundation encroachments in the R.O.W.
6. The roof will be a flat roof. Ice, snow and stormwater will be maintained within the boundaries of the property.
7. The building located at 161, 201 and 208 East Front Street are all located on the front property line.
8. There was no public comment regarding the request.

**CITY OF TRAVERSE CITY
ORDER AUTHORIZING
VARIANCE NO. 13-BZA-12**

Pursuant to the City of Traverse City Code of Ordinances § 1324.05(d), Variances, the Board of Zoning Appeals hereby authorizes a dimensional variance for the following:

Street Address: 156 East Front Street
Property Description: W 1/2 OF LOT 10 BLOCK 5 EXC E 9.5 IN & EXC W 8.5 IN
ORIGINAL PLAT EXC PARTY WALL RIGHTS.
Variance Granted: A dimensional variance of 2.5 feet to allow for the
construction of a 2-story, 6,400 square foot building to be
constructed on the property line along Cass Street
Applicant: John Dancer, 122 South Union Street, Traverse City,
Michigan.

It is determined that the Applicant has demonstrated a hardship as well as showing of good and sufficient cause authorizing a variance by the City of Traverse City Code of Ordinances. The findings of fact and reasons upon which this determination is based are as follows:

1. The attached Statement of Conclusions and Finding of Fact are incorporated herein by reference.
2. The procedures and requirements for variance decisions by law and ordinance have been followed.

This Order shall not be deemed to be City approval for anything other than the variance authorized by this order and shall not relieve the owner or occupier of the land from obtaining any other license, permit or approval required by law or ordinance.

I hereby certify that the above Order was adopted on August 13, 2013, at a regular meeting of the Board of Zoning Appeals for the City of Traverse City at the County Committee Room, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Date: 8-13-13



David Weston, Planning and Zoning
Administrator

Note: A decision of the Board of Zoning Appeals shall be final. However, any party having a substantial interest affected by an order, determination or decision by the Board of Zoning Appeals may appeal to the Circuit Court, if made to the Court within twenty-eight (28) days after rendering the final decision or upon grant by the Court of leave to appeal. Codified Ordinances of Traverse City Michigan §1324.07(a).

**KUHN ROGERS PLC
LAW OFFICES**

412 SOUTH UNION STREET
P.O. BOX 987
TRAVERSE CITY, MICHIGAN 49685-0987
TELEPHONE 231-947-7900
FACSIMILE 231-947-7321

R. EDWARD KUHN
TERRY C. ROGERS
A. BROOKS DARLING
EDGAR ROY III
JOSEPH E. QUANDT
GREGORY J. DONAHUE
GREGORY L. JENKINS
GINA A. BOZZER
TROY W. STEWART
MATTHEW L. BOYD
CHRISTOPHER G. ROGERS
MARC S. MCKELLAR, II

Other Location
Lansing, Michigan

CHARLES H. MENMUIR
1903-1987

Of Counsel:
LEWIS G. GATCH

January 8, 2015

Traverse City Board of Zoning Appeals
400 Boardman Avenue
Traverse City, MI 49684

Re: Variance Request for 201 E. Front Street

Dear Members of the Board of Appeals:

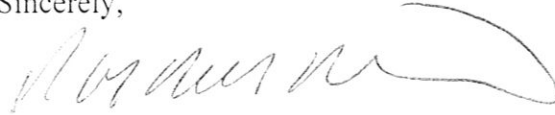
Our firm represents Ted and Linda Jourbran, owners of the property located at 205 E. Front Street immediately adjoining the subject property. Our clients have serious reservations regarding the project in general as set forth below. As to the variance itself, there does not appear to be any basis for concluding that there are practical difficulties associated with compliance with the ordinance set back. Consequently, granting the request appears to be unwarranted.

Our clients primary concern with the proposed addition is that it will intrude on the alley way blocking access to large trucks and could aggravate the sub-surface problems in the immediate area. Our clients' tenants require the ability to accept shipments from large trucks which access our clients' building from the alley way. The proposed extension of the building to the north appears to intrude into the alley way and could potentially block off large truck access to the remainder of the block. This would create a serious problem for our clients and other adjoining businesses.

Perhaps more concerning is the prospect that the proposed construction will raise additional issues with the sub-surface support for all of the buildings in the block. As you probably are aware, there have been a number of events in the immediate vicinity regarding sub-surface instability and construction of this proposed addition so close to the river could very well seriously affect the sub-surface support for existing buildings. The unexplained problems at Red Ginger and the sink hole which appeared last year along the alley suggest that further disturbance of the sub-surface without further study as to the source of these difficulties could be very dangerous.

Our clients are also concerned that the proposed addition will block several windows which currently open to the west side of our clients buildings. Obviously these windows would have to be properly closed off and the cost of doing so should not be born by our clients.

Sincerely,

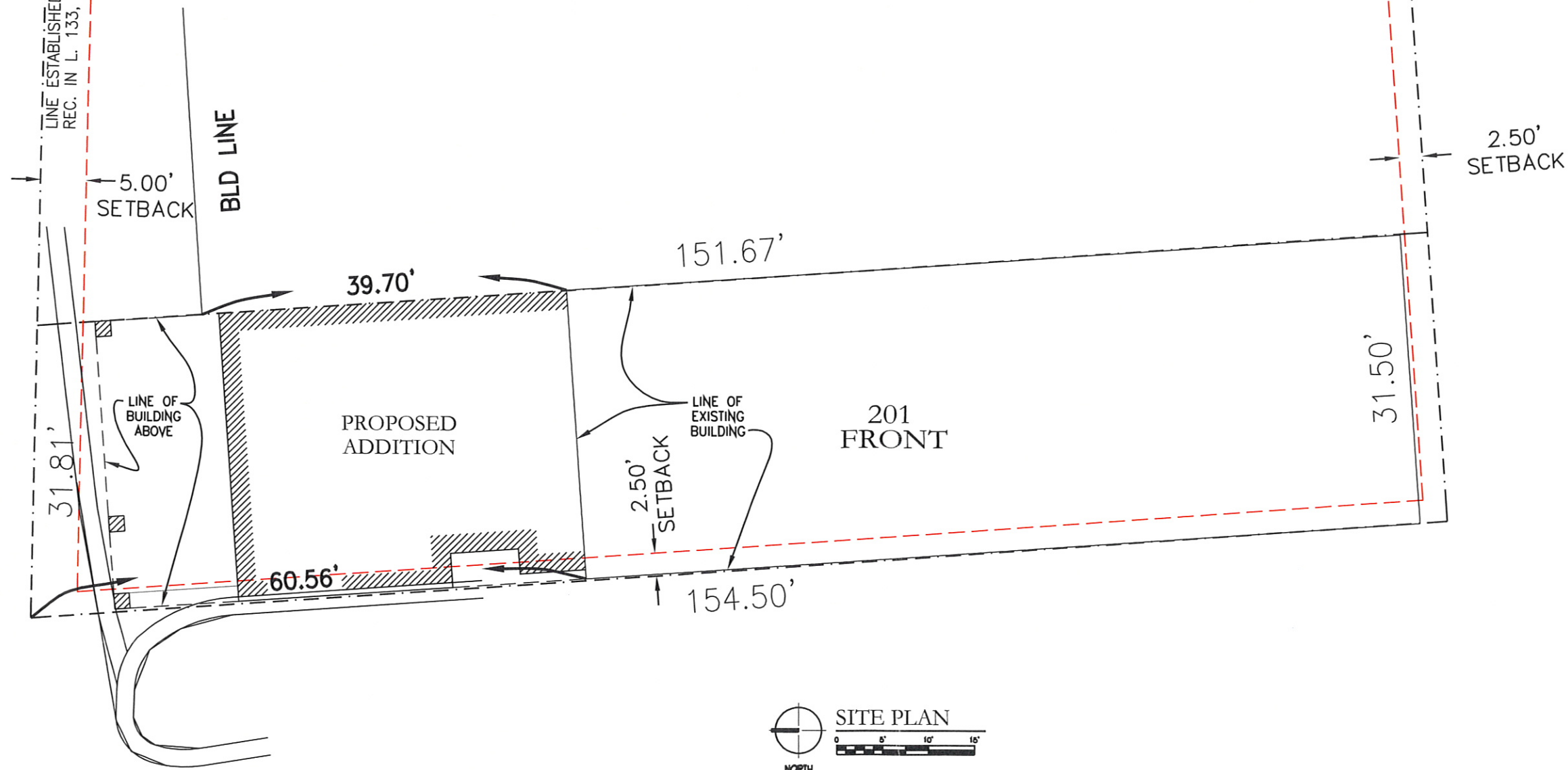
A handwritten signature in black ink, appearing to read "R. Edward Kuhn", with a large, sweeping flourish at the end.

R. Edward Kuhn
rekuhn@krlawtc.com

REK/cmp

- LEGEND
- - IRON FOUND
 - - IRON w/CAP SET
 - ⊙ - MONUMENT FOUND
 - ⊕ - MONUMENT w/CAP SET
 - ▲ - NAIL FOUND
 - △ - NAIL SET
 - (R) - RECORD

BLOCK 24
ORIGINAL PLAT OF
TRAVERSE CITY



SITE PLAN

site plan

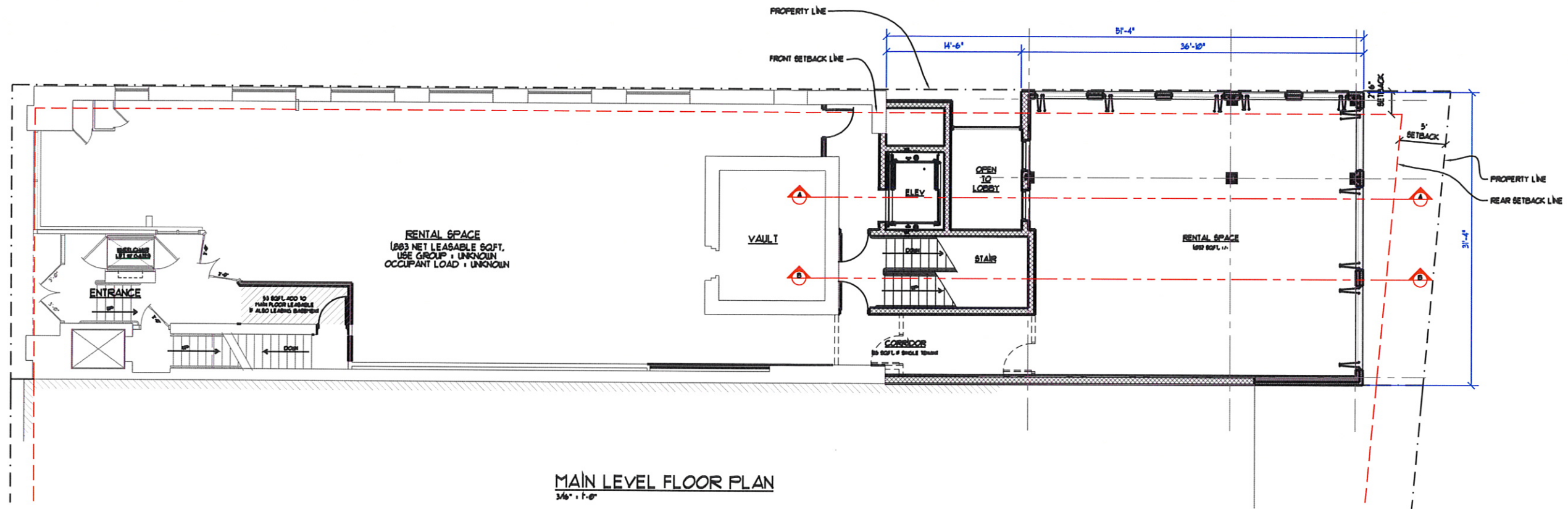
Addition to 201 E. Front St.
Traverse City, MI



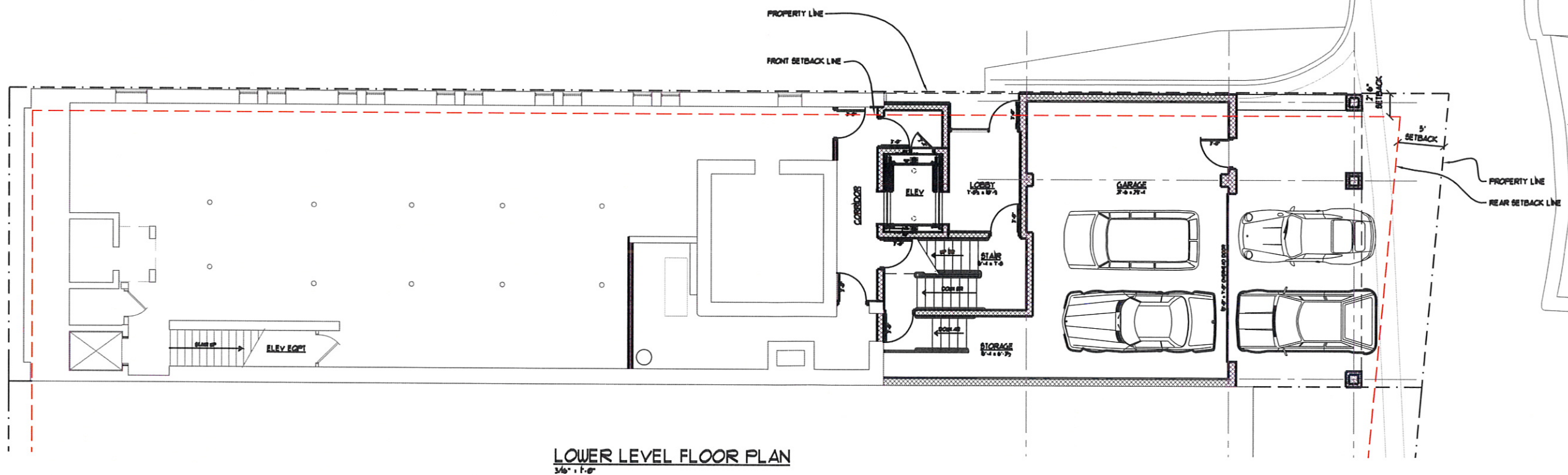
Revisions:

Date:
Dec. 15, 2014

Sheet No.
C1



MAIN LEVEL FLOOR PLAN
3/6" = 1'-0"



LOWER LEVEL FLOOR PLAN
3/6" = 1'-0"

Main & Lower Floor Plan
201 E. Front St.
Traverse City, Michigan

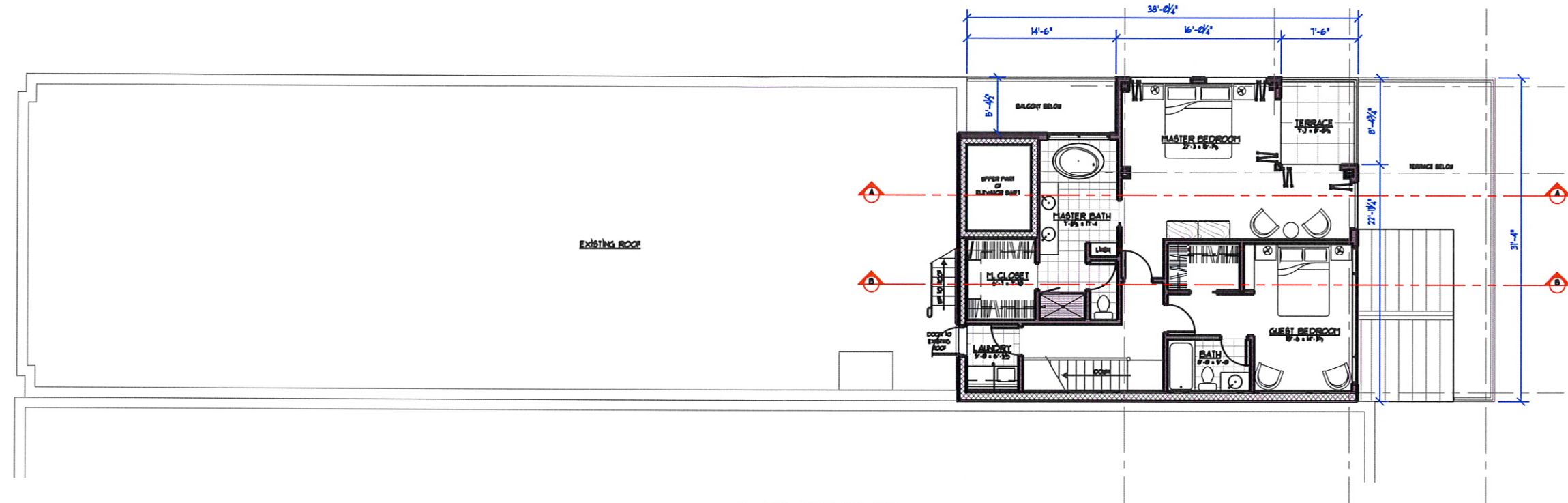
NorthStar Designs
3878 Maplewood
Traverse City, Michigan 49606
231/337-3346

Revisions

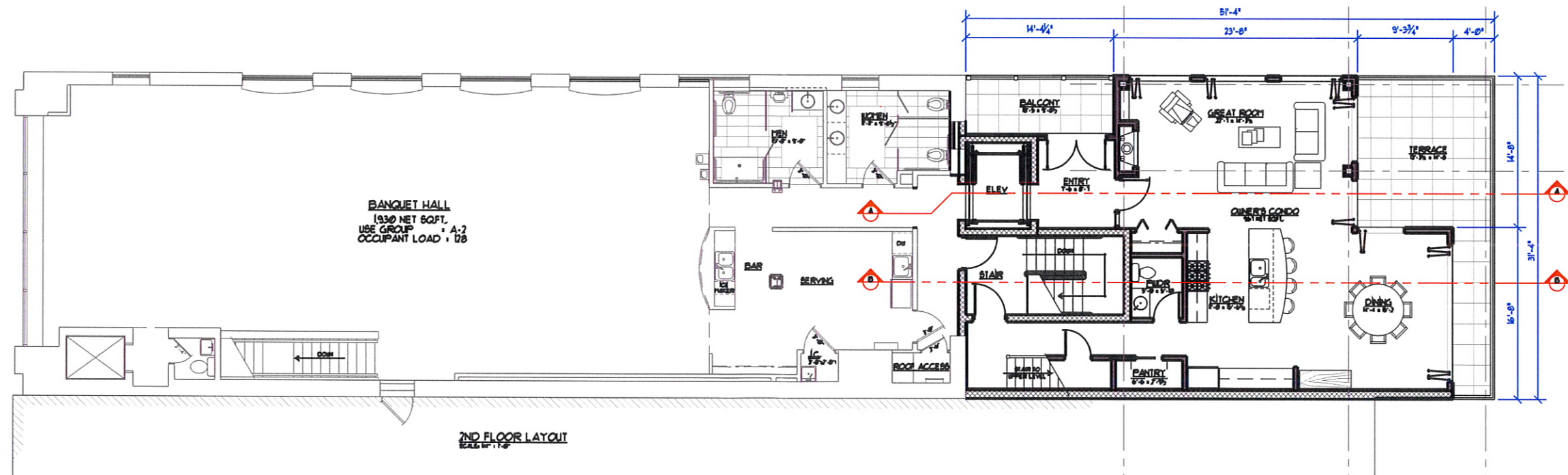
Date:
March 30, 2014

Sheet No.

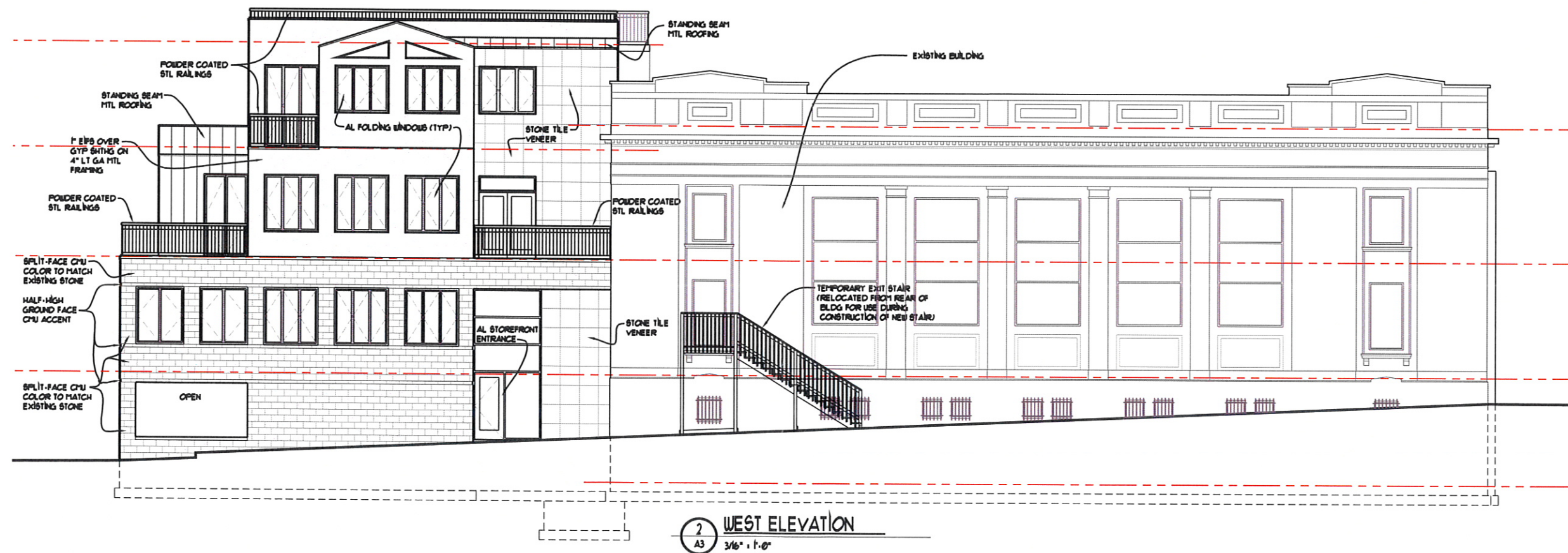
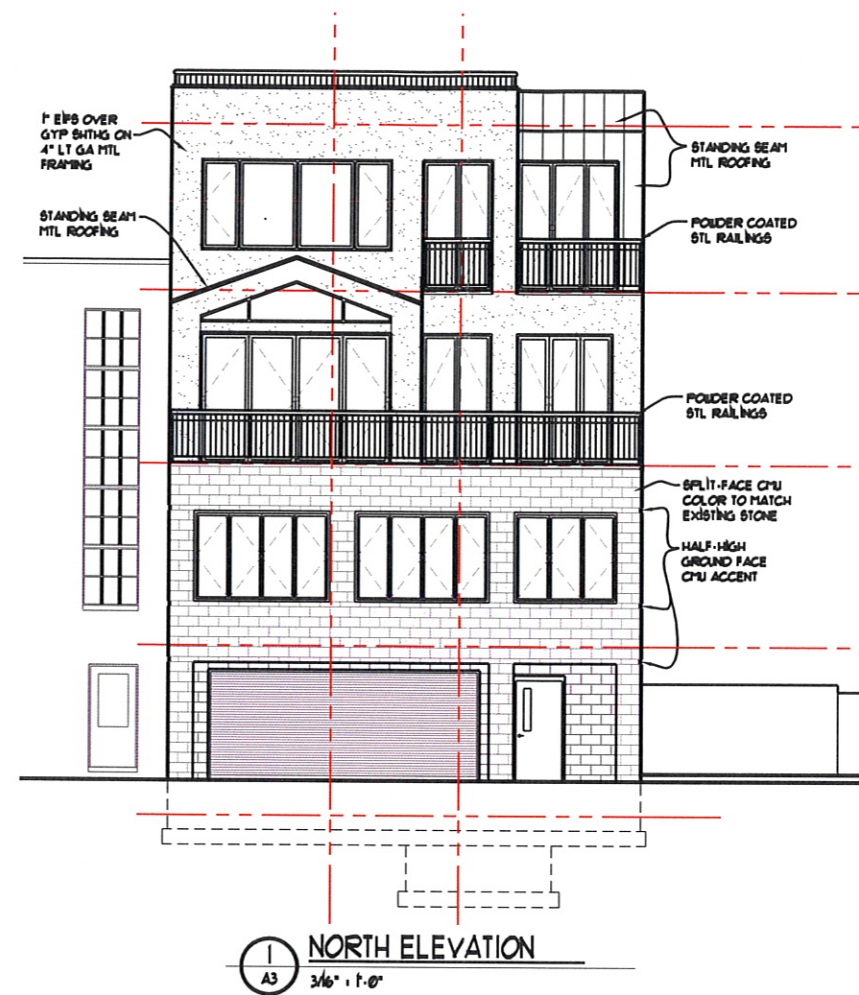
A1



3rd FLOOR PLAN
3/16" = 1'-0"



2nd FLOOR PLAN
3/16" = 1'-0"



BUILDING ELEVATIONS

ADDITION TO 201 E. FRONT ST.
TRAVERSE CITY, MICHIGAN.



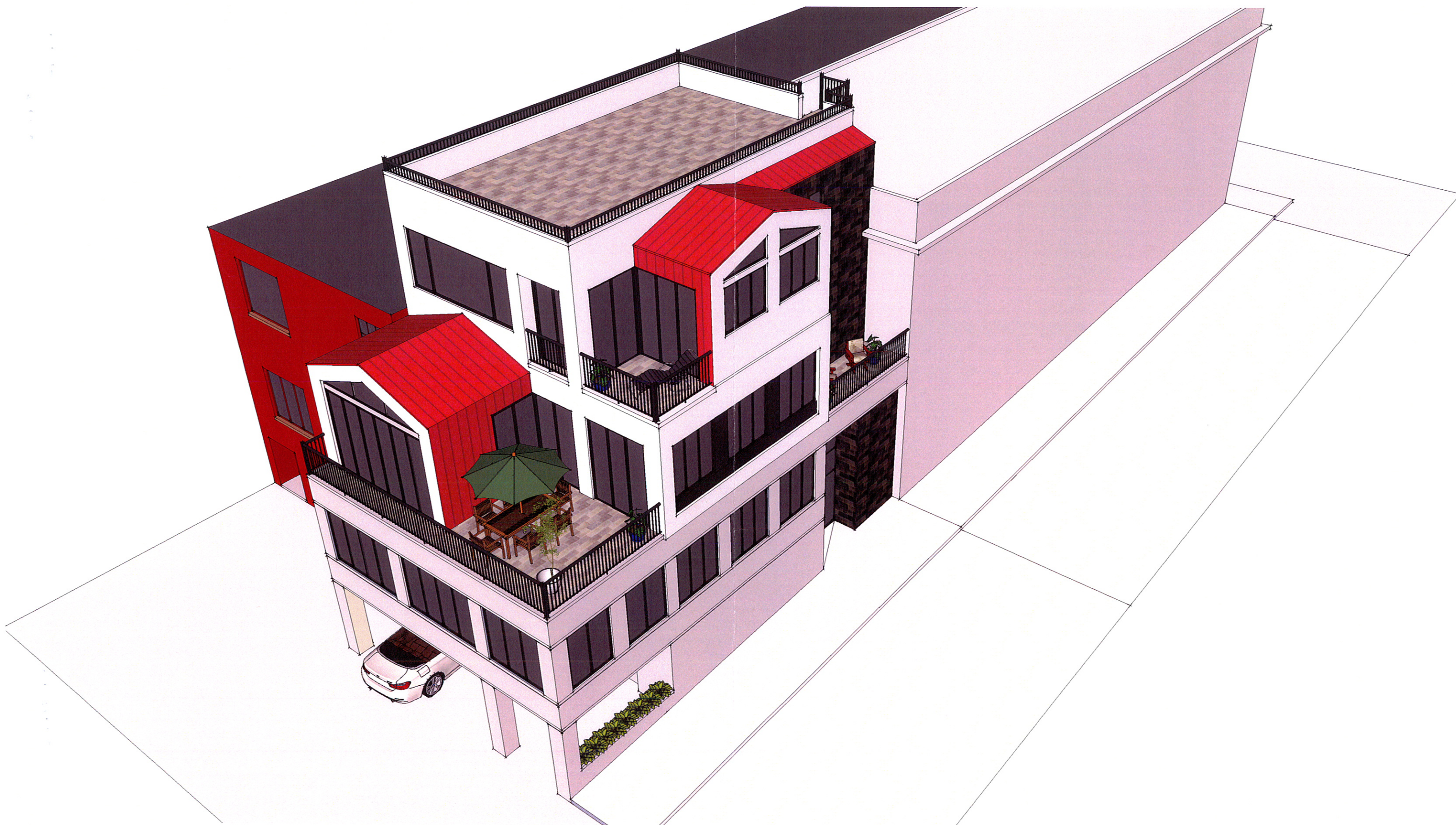
Revisions:
7/23/14

Date:
November 11, 2014

Sheet No.

A3







Communication to the Board of Zoning Appeals

FOR THE MEETING OF: MARCH 10, 2015

FROM: DAVID WESTON, ZONING ADMINISTRATOR *DMLW*

SUBJECT: REQUEST 15-BZA-02

DATE: MARCH 6, 2015

You have a request from Joe Hollander, 1822 W. Milham Avenue, Suite 1-C, Portage, Michigan, for relief from the signage regulations to allow for the installation of a new internally illuminated freestanding sign that exceeds the area and height requirements of the sign ordinance for the property commonly known as **600 Bay Hill Drive**, Traverse City, Michigan (Bay Hill Apartments).

The property is zoned R-15 (Multiple Family District) and freestanding signs are limited to an area of 12 square feet, a height of 6 feet and shall not be internally illuminated. The applicant would like to remove an existing freestanding sign that has an area of 12 square feet and a height of 4 feet and install a new internally illuminated freestanding sign which will have an area of 32 square feet and a height of 7 feet, 3 inches. Mr. Hollander will be requesting an exception from the Board of Zoning Appeals to allow for the new freestanding sign to exceed the maximum area and height requirements of the City Sign Ordinance, as well as be internally illuminated.



City of Traverse City

APPLICATION FEE: \$240.00	Date of Application: <u>1-15-15</u>
Check Number: <u>088023</u>	Date of Public Hearing: <u>2-10-15</u>
Receipt Number: <u>18480</u>	Case Number: <u>15-BZA-02</u>

TRAVERSE CITY BOARD OF ZONING APPEALS
APPLICATION

for Variance, Exception, Appeal, Ordinance Interpretation or
Reconsideration

PROPERTY DESCRIPTION (legal description AND property address): 600 BAY HILL DRIVE (LEGAL DESCRIPTION ATTACHED)

REQUEST AND PROPOSED PROJECT:

WAIVE SIZE LIMIT AND INTERNAL LIGHTING PROHIBITION FOR ENTRY SIGN AT VETERANS DRIVE FOR BAY HILL APARTMENTS

TO BE COMPLETED BY ZONING ADMINISTRATOR:

Request: Appeal for Administrative Decision _____
Interpretation of Ordinance _____
Exception _____
Variance _____

BAY HILL HOUSING LTD. DIVIDEND HOUSING

Name: ASSOC LTD PARTNERSHIP Phone: 269-388-4677 Fax: 269-388-7862
PO HOLLAND DEVELOPMENT CORP.

Address: 1822 W. MILHAM AVE., STE 1C, PORTAGE, MI 49024

Signature of Owner: _____

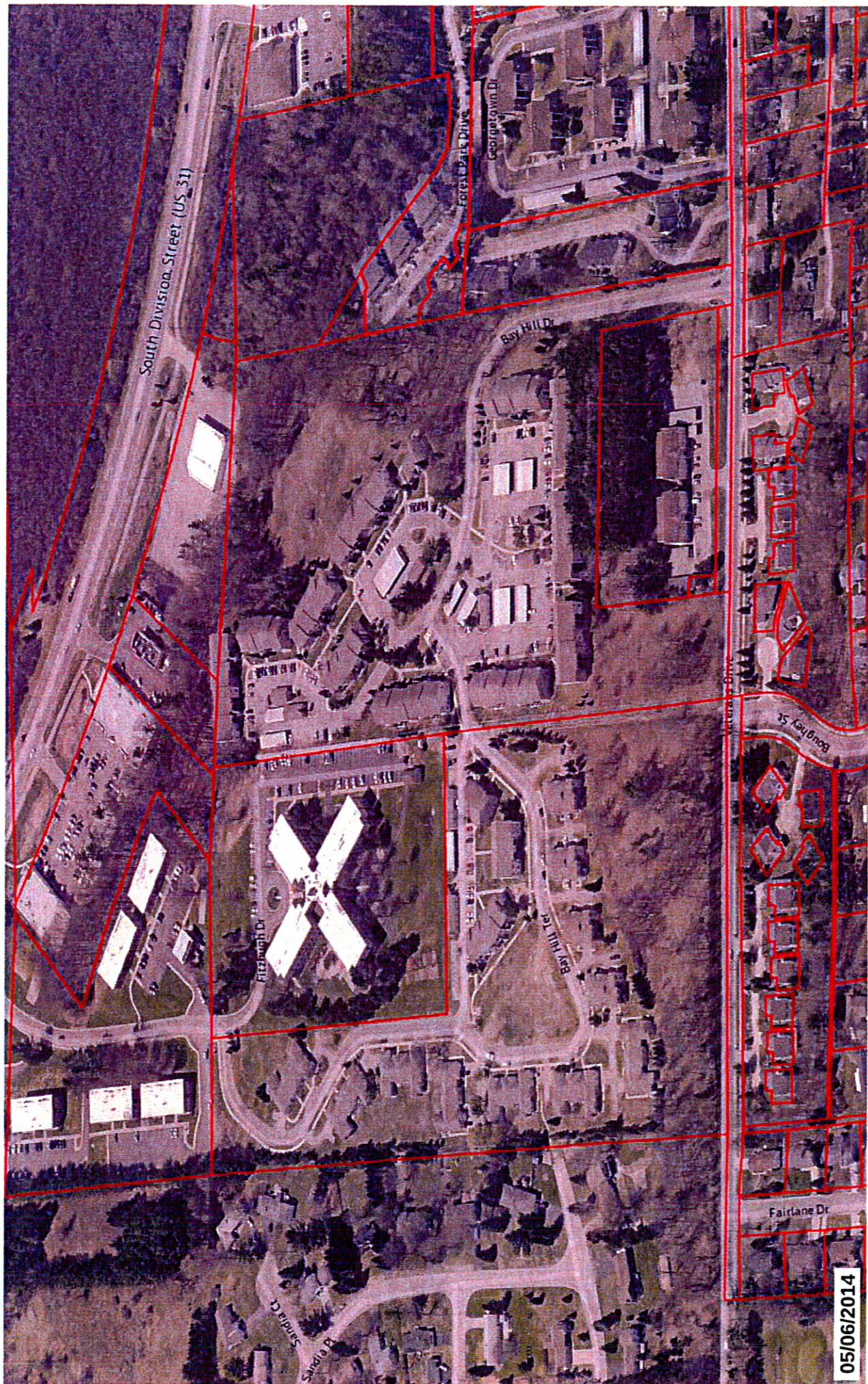
Signature of Applicant (if different): [Signature]

Relationship of Applicant to Owner: PRESIDENT OF CORPORATE GENERAL PARTNER

**APPLICATIONS MUST BE RECEIVED A MINIMUM OF 21 DAYS PRIOR
TO THE MEETING AT WHICH THE REQUEST WILL BE CONSIDERED.**

REPRESENTATION AT HEARING: THE APPLICANT OR THE APPLICANT'S AUTHORIZED AGENT MUST BE PRESENT AT THE PUBLIC HEARING TO PROPERLY ANSWER QUESTIONS CONCERNING THE APPEAL. IF THE APPLICANT OR AGENT IS NOT PRESENT, THE APPEAL MAY BE DEFERRED UNTIL THE NEXT MEETING OR DISMISSED AT THE DISCRETION OF THE BOARD.

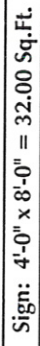
*** PLEASE NOTE THE REVERSE SIDE FOR SITE PLAN REQUIREMENTS ***



05/06/2014

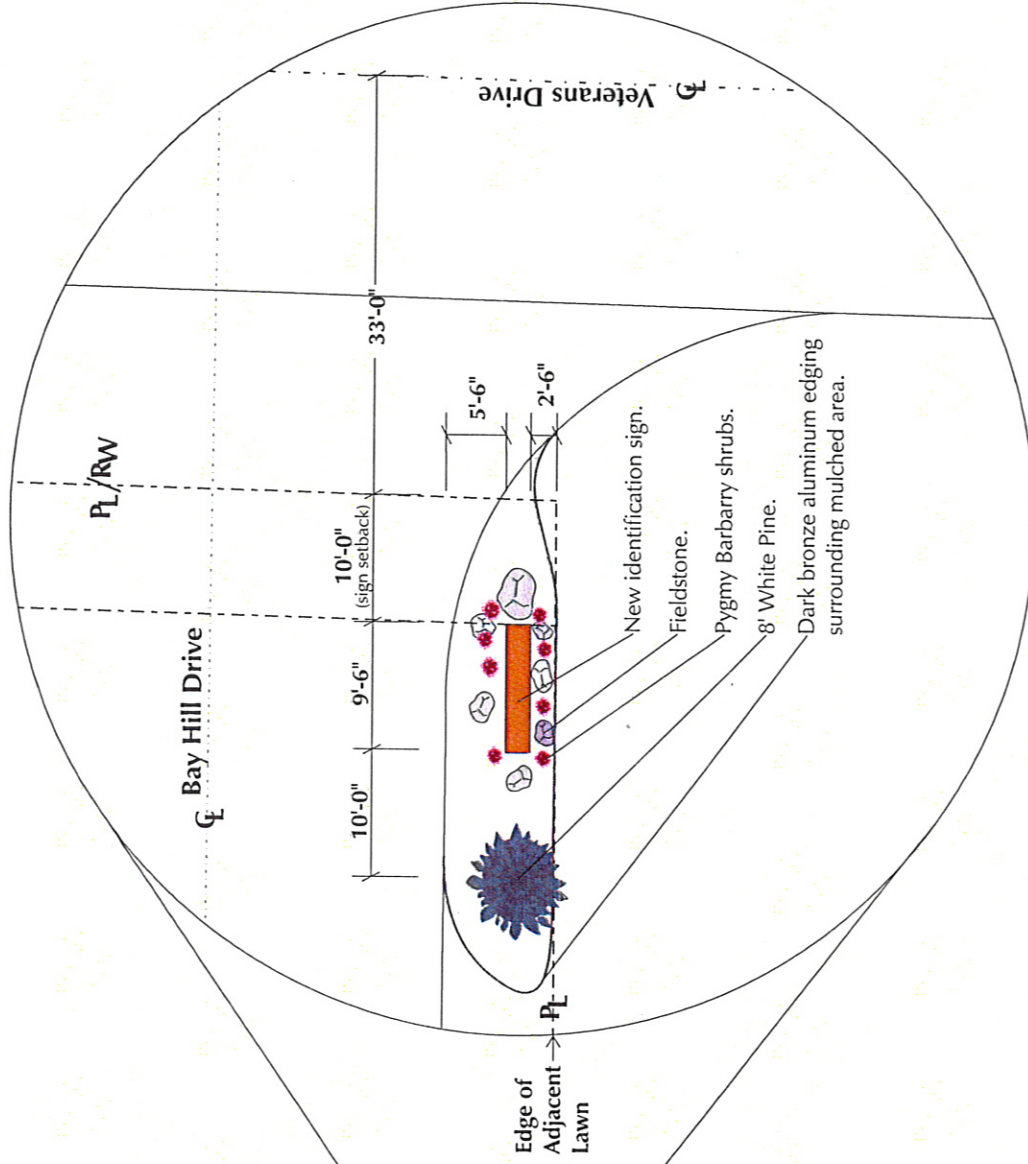
Bay Hill Dr

Veterans Drive



Sign #1a — Illuminated Double-Faced Identification Sign

Lead #



Site Plan

Scale: 1" = 15'-0"



Bay Hill Apartments — 600 Bay Hill Drive, Traverse City, MI

This is an original unpublished drawing, submitted for your use in connection with a project being planned for you by SignArt. It is not to be reproduced, copied or exhibited in any fashion without written permission of SignArt.

JH

9-19-14

11-12-14NS

Approved for: _____

By: _____

Date: _____

Lead #

bayhill



Dave Weston <dweston@traversecitymi.gov>

Sign Variance 600 Bay Hill

Greg Klang <klangr@icloud.com>

Mon, Jan 26, 2015 at 12:17 PM

To: "dweston@traversecitymi.gov" <dweston@traversecitymi.gov>

Hello David,

My name is Greg Klang , I live at 1422 Arnold Ct, Traverse City, Mi. 49684

I am writing in regard to a requested variance for Bay Hill Apartments, 600 Bay Hill Dr.

Wanting to share my opposition to increasing the signage. An increase of 3 times the size, twice as tall and internal illumination is absurd, its a housing complex. My back deck provides a view of the drive, 1 of 2 housing complexes on Veterans, should not be hard to find or need further signage.

Respectfully Submitted,

Greg

Sent from my iPad

Greg Klang

ICML MLT 1

Reliability Consultant

g.klang@le-inc.com

Lubrication Engineers, Inc.

231-590-3917

Board of Zoning Appeals: Tuesday, February 10, 2015

Summary of Points in Opposition to Request for Increased Signage at Bay Hill Apartments:

1. **What is the Purpose?** Bay Hill is a housing complex, not a retail business. Bay Hill is located in a residential area. The people who live at BH would already know how to get there and don't need a larger sign to let them know where they live. In addition, BH would be a destination for anyone with the intention of looking for an apartment. They would not merely "drive by" and decide to explore housing options.
2. **Precedent:** Veterans Drive is lined with 4 housing complexes right next to one another: Rennie Apts., Bay Hill, Georgetown Place and Georgetown Dr. condominiums. Increasing the size of the sign at BH competes with the demands by other complexes on the street who offer similar properties. What is to stop the other 3 complexes from asking for the same exceptions to current sign size regulations? Why would the other complexes have to remain in compliance with the current ordinance? The spirit of the zoning code should be observed, as it is by other complexes and the current ordinance should be respected.
3. **Visual Obstruction:** No sign should be placed so as to potentially obstruct the visibility of pedestrians and motorists at intersections and driveways. If this request for a larger sign is approved, it could interfere with motorist safety as it would increase distractions and obstacles to clear views of the road and directional or warning signs. The increased sign size may interfere with an already-busy and congested Vet. Drive. There is already difficulty pulling on to Veterans Drive from drivers and pedestrians waiting for the BATA bus at the entrance to BH. Drivers turning rt. out of Georgetown, and those turning left out of BH oftentimes are uncertain as to who has "the right of way." A larger sign may make this problem even worse since it could potentially obstruct views. This would affect the safety of pedestrians and vehicular traffic.
4. **Aesthetic Quality and Environmental Impact:** The goal of any ordinance regarding signage should have as its fundamental purpose the maintenance of the visual and aesthetic quality of the neighborhood. Mr. Hollander is requesting a sign of 32 sq. ft which is almost 3 times the current size of 12 sq. ft. Due to this increased size, the sign will have a detrimental effect on the aesthetics and overall landscape of the area.

In addition, the Traverse City region has been extremely conscientious about limiting the number of illuminated signs. There has been a commitment to the elimination of signage, billboards, etc., that interfere with the natural landscape and sky. Likewise, the illumination spillover will likely degrade the living space of the houses in BH directly above the sign and the houses in Georgetown which run parallel to the entrance to BH.

5. **Impact on Future Sale of Properties:** The sign ordinance is in place to protect property values and private and public investments and to maintain economic security. Depending on size and character, signs can attract or repel visitors, affecting the visual quality enjoyed by residents and visitors. Increasing the BH sign could, potentially, have a negative impact on the sale of properties bordering BH, across the street and for any property directly in the visual line of the sign's illumination.
6. **Safety Considerations:** An often-overlooked consideration is that any increase in the size of the sign could pose a safety threat to residents. Because the request asks for a sign that is much larger than the allowed, there could be personal injury and property damage from structurally **unsafe** signs.

The Georgetown Place Condominium Association objects to this request for the above-mentioned reasons.

Respectfully Submitted,

Mary S. Pierce
President, Georgetown Association Board

530 Georgetown Dr. #45
Traverse City, MI 49684
Email: jsura13@gmail.com

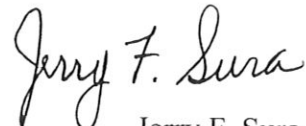
Government Center
Attn: Board of Zoning Appeals
400 Boardman Ave.
Traverse City, MI 49684

March 2, 2015

Dear Board of Zoning Appeals:

Thank you for your recent letter regarding the installation of a new internally illuminated freestanding sign at 600 Bay Hill Drive by Joe Hollander. I am writing to express my opposition to this idea. Current law requires that freestanding signs are limited to an area of 12 square feet, a height of 6 feet and shall not be internally illuminated. This is a good zoning requirement and we should adhere to its terms. It is my hope that the board will deny Mr. Hollander's request.

Sincerely,


Jerry F. Sura

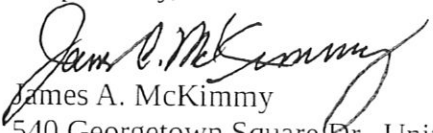
Mr. David Weston,
Planning and Zoning Administrator
Governmental Center
400 Boardman Ave.
Traverse City, MI 49684

Feb. 25, 2015

RE: Request for relief from signing regulations at 600 Bay Hill Drive, Traverse City, MI.

Please register this objection to this request for an oversized, internally lighted sign in this neighborhood. For a similar comparison to this request you may observe the sign at the Christ United Methodist Church at the intersection of 3 mile Rd. and Garfield. I find that such a sign is entirely incompatible by both its size and its illumination for the site that has been requested.

Respectfully,


James A. McKimmy
540 Georgetown Square Dr. Unit 32
Traverse City, Mi 49685

GEORGETOWN PLACE TOWNHOMES ASSOCIATION

P.O. Box 2144

Traverse City, Michigan 49685

RECEIVED

FEB 03 2015

PLANNING DEPT
CITY OF
TRAVERSE CITY

Planning Department
City of Traverse City
Governmental Center
400 Boardman Avenue
Traverse City MI 49684

Dear Sirs:

This correspondence is in regard to the application/petition to the Board of Zoning Appeals to allow a variance to the sign ordinance for 600 Bay Hill Drive. We object to this petition for relief.

This is a residential area. Not a mixed use or mixed residential/commercial area. The prospect of an illuminated sign almost three times the current size would detract from the aesthetic integrity of the area and, bluntly, be garish in presentation in the residential context.

There is a strong likelihood that there will be illumination spill-over intruding on the front condominiums. This degrades their living space as well as impacts the quality of any future sale of those properties. Depending on the setback requirements, there may also be an impinging on the visual field when pulling out of the association street.

Based on the traffic volume as well as the nature of some of that traffic, we believe it is indicative that people have little, if any, difficulty finding their way to the complex. They do not need the assistance of a gaudy out-of-character non-compliant sign to assist them. Is this also a surreptitious means of 'enhanced' advertising? There is the further question of precedent. If this variance is granted, to believe that it does not set a precedent for a similar or greater override is naive. Where does the line get drawn next time?

Page 2

The Bay Hill complex was built apparently with clear understanding of what the ordinances mandated. To now re-approach with an effort to push out the parameters is disingenuous. For these reasons, the Georgetown Place Townhomes Association objects to any variance being granted this application. We urge the Board of Zoning Appeals to deny this request.

Thank you for your attention to this matter.

The Georgetown Place Townhomes
Association Board of Directors



Communication to the Board of Zoning Appeals

FOR THE MEETING OF: MARCH 10, 2015

FROM: DAVID WESTON, ZONING ADMINISTRATOR *DMW*

SUBJECT: REQUEST 15-BZA-03

DATE: MARCH 6, 2015

A request from Bob Doriot, 9972 S. West Bay Shore Drive, Traverse City, Michigan for relief from the zoning regulations which would allow the water setback on Boardman Lake be 25 feet for 10 homes located at the property commonly known as **1527 Cass Street**, Traverse City Michigan (A parcel of land on the west side of Boardman Lake south of 16th Street then south to the City limits).

The property mentioned is zone R-9 (Multiple Family Dwelling District) and the minimum water setback along Boardman Lake is 50 from the ordinary high water mark (§1336.04(e)). Mr. Doriot is proposing to construct a 17 unity site condominium and will be requesting a dimensional variance of 25 feet for the water setback encroachment for 10 of the 17 units.

A similar request was before the board on December 13, 2005, which was denied. The 2005 request was for 10 single family dwelling parcels and the applicant was seeking relief for all of the parcels. At that time, the Board felt that not every lot required a variance for a home to be constructed. I have attached the December 13, 2005 meeting minutes for your review.

Mary Joseph, 1422 Wayne Street, Traverse City, Michigan, presented and answered questions from the Board.

Bob Brick, 12930 South West Bay Shore Drive, Traverse City, Michigan, partner in the Incochee Woods Development spoke in favor of the Planning Director's September 14, 2005 determination.

Rita Sleeman, 3680 Incochee Road, Traverse City, Michigan spoke in favor of reversing the Planning Director's September 14, 2005 determination.

Richard Buckhalter, 518 West 12th Street, Traverse City, Michigan, spoke in favor of reversing the Planning Director's September 14, 2005 determination.

Patty Olson, 1433 Wayne Street, Traverse City, Michigan, spoke in favor of reversing the Planning Director's September 14, 2005 determination.

John Nelson, 4022 Incochee Crest Commons, Traverse City, Michigan, spoke in favor of reversing the Planning Director's September 14, 2005 determination.

Gary Olson, 1433 Wayne Street, Traverse City, Michigan, spoke in favor of reversing the Planning Director's September 14, 2005 determination.

Joe Elliot, Professional Engineer with Gourdie-Fraser, 123 West Front Street, Traverse City, Michigan spoke regarding site development issues.

One letter in favor of reversing the Planning Director's determination was presented to the Board.

Motion by Member Peltz, seconded by Member Murphy to reverse the Planning Director's September 14, 2005 determination that the Traverse City Zoning Ordinance does not regulate the Incochee Woods Development where a connecting drive at Wayne Street is planned for the property commonly known as 1430 Wayne Street based on the findings of fact contained in the response submitted by Karen Ferguson on behalf of the Neighbors Preserving Slabtown. Upon vote, the motion carried 7-2 with Members Callahan and Hoekje voting in opposition.

The Board recessed at 10:15. p.m.

The Board resumed at 10:23 p.m.

4. **REQUEST 05-07 - A** request from Bob Doriot, 9927 S. West Bay Shore Drive, Traverse City, Michigan for a dimensional variance of 25 feet which would allow housing to be developed within 25 feet from the ordinary high water mark on Boardman Lake, where the ordinance requires a minimum setback of 50 feet, for the property commonly known as **1527 Cass Street**. (§1336.04(e))

Norman K. Droste, 616 East Eighth Street, Traverse City, Michigan, Attorney for Bob Doriot, presented and answered questions from the Board.

John Urbain, Professional Engineer with Elmer's, 3600 Rennie School Road, Traverse City, Michigan, presented and answered questions from the Board.

Mike Doriot, 2559 Hedwidge, Traverse City, Michigan presented and answered questions from the Board.

Bob Otwell, Executive Director of T.A.R.T., informed the Board on future plans for the location of the T.A.R.T. trail.

John Nelson, 4022 Incochee Crest Commons, Traverse City, Michigan, Bay Keeper, spoke against granting the variance.

Two letters against the variance were presented to the Board.

Motion by Member Stephen, seconded by Member Wegener to grant a dimensional variance of 25 feet which would allow housing to be developed within 25 feet from the ordinary high water mark on Boardman Lake, where the ordinance requires a minimum setback of 50 feet, for the property commonly known as 1527 Cass Street based on the Statement of Conclusions and Finding of Fact contained in the Order Denying the Dimensional Variance No. 05-07. Upon vote, the motion failed with Members Murphy, Peltz, Hoekje, Cockfield, and Pollock voting in opposition.

5. **PUBLIC COMMENT**

None.

6. **OTHER BUSINESS**

None

7. **ADJOURNMENT**

The meeting was adjourned at 11:34 p.m.

**CITY OF TRAVERSE CITY
ORDER DENYING
DIMENSIONAL VARIANCE No. 05-07**

Pursuant to the City Zoning Ordinance §1324.05(d), Variances, the Board of Zoning Appeals hereby denies a dimensional variance for the following:

Street Address: 1527 Cass Street, Traverse City, Michigan, 49684

Property Description: LOTS 9 10 11 & 12 EXCEPT FLOWAGE RIGHTS H & L CO'S 16TH ADD.

Variance Denied: A dimensional variance of 25 feet which would allow housing to be developed within 25 feet from the ordinary high water mark on Boardman Lake.

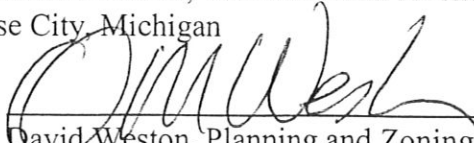
Applicant/Owner: Bob Doriot, 9927 South West Bay Shore Drive, Traverse City, MI

It is determined that the Applicant has failed to demonstrate a practical difficulty or the basic conditions for granting a variance required by the Zoning Code. The findings of fact and reasons upon which this determination is based are as follows:

1. The attached Statement of Conclusions and Finding of Fact is incorporated herein by reference.
2. The procedures and requirements for variance decisions required by law and ordinance have been followed.

I hereby certify that the above Order was adopted on 1-10-2006 at a regular meeting of the Board of Zoning Appeals for the City of Traverse City at the Commission Chamber, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan

Date: 1-10-2006


David Weston, Planning and Zoning
Administrator

NOTE: A decision of the Board of Zoning Appeals Shall be final. However, any party having a substantial interest affected by an order, determination or decision of the Board of Zoning Appeals may appeal to the Circuit Court within the time period prescribed by law.

STATEMENT OF CONCLUSIONS AND FINDINGS OF FACTS NO. 05-07

The following are Statements of Conclusions supported by evidence submitted to the Board of Zoning Appeals in connection with a request for a dimensional variance, Request No. 05-07, for the property commonly known as 1527 Cass Street, Traverse City, Michigan, from Bob Doriot, 9927 South West Bay Shore Drive, Traverse City, Michigan.

1. There is not a clear showing of an unnecessary hardship in that the property as a whole cannot reasonably be put to a use authorized by the Zoning Code.
2. The difficulty presented by the applicant in support of the request for a variance is so general or recurrent in nature that a formulation of a general regulation for such condition is preferable.

The foregoing Statement of Conclusions are supported by the following Findings of Fact in appeal No. 05-07:

1. The property is zoned R-9 (Multiple Family District) and is 4.9 acres with an overall allowable density of 44 dwelling units.
2. The applicant is proposing 10 single family dwelling units on traditional single family lots serviced by a private road.
3. Not every lot in the applicant's development would require a variance for a home to be constructed.
4. The property, due to its size, is eligible for a Planned Unit Development which permits flexibility in the zoning regulations.



05/06/2014

THIS DRAWING HAS BEEN PREPARED BY LANDTECH PROFESSIONAL SURVEYING & ENGINEERING, LLC. ALL PATENTED AND PROPRIETARY FEATURES AND/OR CONVENTIONS INFORMATION AND ITS USE IS CONFINED TO THE PROJECT AND NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING BY LANDTECH PROFESSIONAL SURVEYING & ENGINEERING, LLC.

REV	DESCRIPTION	DATE	BY
1			
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PROJECT NO.: 1440202
DATE DRAWN: 02.03.15
DRAWN BY: JMU
CHECKED BY: MTM
SCALE: AS NOTED

PROJECT
Bob Doriot and Mike Doriot
Private Road Access

SHEET TITLE
SITE PLAN

SHEET NUMBER
1

Boardman Lake Setback Variance Request

Unit Number	Variance Requested?
1	Yes
2	Yes
3	Yes
4	Yes
5	Yes
6	Yes
7	Yes
8	Yes
9	Yes
10	No
11	No
12	No
13	No
14	No
15	No
16	No
17	Yes

VARIANCE REQUESTED
 VARIANCE NOT NECESSARY

PROJECT INFORMATION

PROPERTY OWNER/APPLICANT

ROBERT A. AND MICHAEL F. DORIO
CONTACT: BOB DORIO
9972 WEST BAYSHORE DRIVE
TRAVERSE CITY, MICHIGAN 49686
PHONE: (231) 995-7446

ZONING INFORMATION

PARCEL ZONING - MULTIPLE FAMILY RESIDENTIAL (R-9)
PROPOSED USE - SINGLE-FAMILY SITE CONDOMINIUM
PARCEL ADDRESS - 1527 CASS STREET
TRAVERSE CITY, MI 49684
PROPERTY TAX ID - 28-51-682-016-00
SEC.-TOWN-RANGE - SEC. 10, T27N-R10W
GROSS PARCEL SIZE - 4.39 ACRES

STRUCTURE SETBACKS

FRONT - WITHIN 4 FEET OF THE AVERAGE SETBACK OF PRINCIPAL BUILDINGS ON THE SAME SIDE OF THE STREET IN THE SAME FACE BLOCK, 6 FEET MIN.
SIDE - ONE SIDE: 6 FEET
AGGREGATE: 14 FEET
REAR - 50 FEET FROM THE ORDINARY HIGH WATER MARK OF BOARDMAN LAKE
A REDUCTION OF THE REAR SETBACK TO 25 FEET IS REQUESTED FOR SPECIFIC LOTS WITHIN THE PROPOSED DEVELOPMENT (SEE TABLE ABOVE)

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN GARFIELD TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN, AND MORE FULLY DESCRIBED AS FOLLOWS:

THAT PART OF GOVERNMENT LOTS 3 & 4, SECTION 10, TOWNSHIP 27 NORTH, RANGE 11 WEST, DESCRIBED AS COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION; THENCE SOUTH 88°54'04" EAST, ALONG THE SOUTH LINE OF SAID SECTION, 1586.26 FEET TO THE EASTERLY RIGHT-OF-WAY OF THE C&O RAILROAD AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88°54'04" EAST, 96.52 TO AN INTERMEDIATE TRAVERSE LINE ALONG THE SHORE OF BOARDMAN LAKE; THENCE ALONG SAID INTERMEDIATE TRAVERSE LINE THE FOLLOWING EIGHTEEN (18) COURSES: NORTH 25°21'34" EAST 106.38 FEET; NORTH 19°06'17" EAST, 159.52 FEET; NORTH 45°21'59" EAST, 50.69 FEET; NORTH 64°01'01" EAST, 107.96 FEET; NORTH 41°22'38" WEST, 116.40 FEET; NORTH 29°06'38" WEST, 256.18 FEET; NORTH 01°11'46" EAST, 164.43 FEET; NORTH 05°30'35" WEST, 164.89 FEET; NORTH 10°07'22" EAST, 157.92 FEET; NORTH 17°18'42" EAST, 29.65 FEET; NORTH 60°10'54" WEST, 17.03 FEET; NORTH 38°39'08" WEST, 83.67 FEET; NORTH 36°07'48" WEST, 61.54 FEET; NORTH 27°52'29" WEST, 83.73 FEET; NORTH 04°42'31" WEST, 125.52 FEET; NORTH 19°45'58" EAST, 84.53 FEET; NORTH 12°57'01" EAST 80.35 FEET; AND NORTH 46°27'43" EAST, 90.37 FEET; THENCE NORTH 89°22'20" WEST, 80.13 FEET TO THE EASTERLY RIGHT-OF-WAY OF THE C & O RAILROAD; THENCE 804.96 FEET ALONG SAID RIGHT-OF-WAY ON AN ARC OF A 2814.93 FOOT RADIUS CURVE TO THE LEFT (LONG CHORD = SOUTH 00°55'07" WEST, 504.28 FEET); THENCE SOUTH 05°07'00" EAST, ALONG SAID RIGHT-OF-WAY, 339.65 FEET; THENCE 552.15 FEET ALONG SAID RIGHT-OF-WAY ON THE ARC OF A 2814.79 FOOT RADIUS CURVE TO THE RIGHT (LONG CHORD = SOUTH 03°54'15" WEST, 947.92 FEET) TO THE POINT OF BEGINNING, CONTAINING 4.39 ACRES OF LAND, INCLUDING ALL LAND LYING BETWEEN THE INTERMEDIATE TRAVERSE LINE AND THE SHORE OF BOARDMAN LAKE.

SUBJECT TO EASEMENTS, RIGHT-OF-WAYS, RESERVATIONS AND RESTRICTIONS OF RECORDS.

